IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRD DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 15815 of 2004

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Between:

1 Ravi Lakshmi Tayaru W/o. Prabhakara Rao
r/o. Kanchustambampalem Village Elamanchili Mandal,

West Godavari District.
2 Ravi Prabhakararao S/o. Rama Rao
R/o. Kanchustambampalem Village, Elamanchili Mandal,

West GodavariDistrict.

..... PETITIONERS

AND

1 The Deputy Executive Engineer, Panchayat Raj, Palakol,

West Godavari District.
2 The Mandal Revenue Officer, Achanta West Godavari

District.
3 The Revenue Divisional Officer, Narsapur West

Godavari District.
4 Valluru Gram Panchayat, Valluru, Achanta Mandal West

Godavari District rep by its Sarpanch
5 Sri M. Venkateswara Rao S/o. Subbarao
R/o. Valluru Village West Godavari District,

Sarpanch,Valluru Gram Panchayat , Valluru, Achanta
Mandal, West Godavari District.
6 Kandulapati Mutyalarao S/o. Manikyalarao
R/o. K.P. Palam Mogalthur Mandal, West Godavari

District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of mandamus or any other appropriate writ, order or direction declaring

the action of the respondents 1 to 4 herein in seeking to dispossess the petitioners from the lands situated in R.S.Nos.575-1,575-2, 575-3,576-1 and 576-2 of Valluru Village of Achanta Mandal, West Godavari District under the guise of laying/widening, the road without due process of law as illegal, arbitrary, without jurisdiction, Process of Law as illegal, arbitrary, without jurisdiction, unreasonable and violative of Articles 14 and 300-A of the Constitution of India and consequently direct the respondents herein not to resort to the said action.

Counsel for the Petitioner: MR.A.V.SESHA SAI

Counsel for the Respondent No.: GP FOR REVENUE

The Court at the admission stage made the following :

ORDER:

It is well settled that the writ petition filed in apprehension that the respondents without following the law declared by this court, would dispossess the petitioners from the lands situated in R.S.Nos.575-1, 575-2, 575-3, 576-1 and 576-2 of Valluru Village of Achanta Mandal, West Godavari District for laying/widening of the road cannot be entertained.

Since the petitioners have already filed civil suit in O.S.No.186 of 2004 in which status quo was obtained for the Eastern side of the land, the apprehension of the petitioners that the respondents are likely to take possession of the land in Western side for widening the road cannot be a ground for issuing mandamus. As and when such deprivation takes place, the petitioners are not remediless. They can seek appropriate relief questioning the said high-handed action, if any, before the appropriate forum. It is needless to observe that if any land of the petitioners is to be acquired for widening the road, the respondents have to necessarily follow the due procedure prescribed by law and also the law declared by this court and they cannot be dispossessed from their land, otherwise than by due process of law.

With the above observation, the Writ Petition is disposed of at the admission stage.

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A. Gopal Reddy, J.

3rd September, 2004.

Js.

To

1 The Deputy Executive Engineer, Panchayat Raj, Palakol,

West Godavari District.
2 The Mandal Revenue Officer, Achanta West Godavari

District.
3 The Revenue Divisional Officer, Narsapur West

Godavari District.
4 The Sarpanch, Valluru Gram Panchayat, Valluru,

Achanta Mandal West Godavari District.

5 2 CCs to G.P. for Revenue, High Court Buildings,

Hyderabad.

6 2 CD copies.